

At a September 6, 2000, preliminary hearing, each party introduced medical opinions in support of their respective position. Claimant submitted two reports from Dr. David O. King, an

orthopedic surgeon. The first report reflects a history of increased carpal tunnel symptoms after the scaphoid fracture. The second report states Dr. King's opinion that the scaphoid fracture contused claimant's median nerve producing persistent symptoms. Respondent introduced the report from Dr. Sergio Delgado stating the opposite conclusion. Dr. Delgado states he has never seen a correlation between scaphoid fractures and median nerve compression findings.

In response to the conflicting medical opinions, the ALJ appointed Dr. Lynn D. Ketchum to provide an independent medical opinion. Dr. Ketchum first reported his opinion that the fracture of the scaphoid aggravated the carpal tunnel syndrome. Dr. Ketchum then, apparently in response to information provided by respondent's counsel, wrote a second report. In the second report, Dr. Ketchum acknowledges and "stand[s] corrected" regarding the longstanding nature of claimant's carpal tunnel syndrome and the fact that it was not caused by the scaphoid fracture. Dr. Ketchum goes on to state:

My only comment is that a scaphoid fracture certainly can exacerbate carpal tunnel syndrome, as the scaphoid bone is immediately adjacent to the median nerve and swelling from it can increase the pressure in the carpal tunnel and exacerbate or aggravate an existing carpal tunnel syndrome.

Based on the combination of medical reports, the Board concludes claimant has met her burden of proving that she has a medical condition, diagnosed as carpal tunnel syndrome, that has been aggravated by the scaphoid fracture she suffered in her work with respondent. Dr. Ketchum's second letter does not, in our opinion, reverse his initial conclusion that the fracture aggravated the carpal tunnel syndrome. The aggravation of the carpal tunnel syndrome is, therefore, a compensable injury. Claimant is entitled to medical treatment and to temporary total disability if taken off work by the treating physician. Dr. Ketchum is designated as the treating physician per claimant's request.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order entered by Administrative Law Judge Jon L. Frobish on September 7, 2000, should be, and the same is hereby, reversed. Respondent is ordered to provide medical treatment for claimant's carpal tunnel condition with Dr. Ketchum as the authorized treating physician and, if claimant is taken off work by Dr. Ketchum, to pay temporary total disability benefits.

IT IS SO ORDERED.

Dated this ____ day of October 2000.

BOARD MEMBER

c: Patrick C. Smith, Pittsburg, KS
Ronald J. Laskowski, Topeka, KS
Jon L. Frobish, Administrative Law Judge
Philip S. Harness, Director